

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into UNITED)	DOCKET NO. 891239-TL
TELEPHONE COMPANY OF FLORIDA's)	
authorized return on equity and)	ORDER NO. 23175
earnings.)	
<hr/>		ISSUED: 7-11-90

ORDER ON PREHEARING PROCEDUREIssue Identification Meeting

On or before July 23, 1990, each party and Staff shall file the list of issues that it believes must be addressed in this proceeding. On July 23, 1990, at 9:30 AM in Room 115, Fletcher Building, there will be held an issue identification meeting for the parties and Staff. At that time, the issues to be addressed in the parties' prehearing statements will be identified.

Prehearing Statements

Pursuant to the provisions of Rule 25-22.038, Florida Administrative Code, all parties and Staff are hereby required to file with the Director of Records and Reporting a prehearing statement on or before August 15, 1990. Each prehearing statement shall set forth the following:

- (a) all known witnesses that may be called and the subject matter of their testimony;
- (b) all known exhibits, their contents, and whether they may be identified on a composite basis and witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue;
- (f) a statement of each policy question the party considers at issue and which of the party's witnesses will address the issue;

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(g) a statement of the party's position on each issue identified pursuant to paragraphs (d), (e) and (f) and the appropriate witness;

(h) a statement of issues that have been stipulated to by the parties;

(i) a statement of all pending motions or other matters the party seeks action upon; and

(j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

The original and fifteen copies of each prehearing statement must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of August 15, 1990. Failure of a party to timely file a prehearing statement shall be a waiver of any issues not raised by other parties or by the Commission Staff. In addition, such failure shall preclude the party from presenting testimony in favor of his or her position on such omitted issues. Copies of prehearing statements shall also be served on all parties. Prehearing statements shall substantially conform to the Florida Rules of Civil Procedure requirements as to form, signatures, and certifications.

Prefiled Testimony and Exhibits

Each party is required to prefile all exhibits and all direct testimony it intends to sponsor in written form. Prefiled testimony shall be typed on standard 8 1/2 x 11 inch transcript quality paper, double spaced, with 25 numbered lines, in question and answer format, with a sufficient left margin to allow for binding. An original and fifteen copies of each witness' prefiled testimony and each exhibit must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the due date. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony. Copies of all prefiled testimony shall also be served by the sponsoring party on all other parties.

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Prehearing Conference

A prehearing conference will be held on August 27, 1990, in Tallahassee. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, will be met in this case and the following shall apply:

Any party who fails to attend the prehearing conference, unless excused by the prehearing officer, will have waived all issues and positions raised in his or her prehearing statement.

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: he or she was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issues; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, he or she shall bring that fact to the attention of the prehearing officer. If the prehearing officer finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify his or her position in a post-hearing statement of issues. In the absence of such a finding by the prehearing officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in his or her post-hearing statement.

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To facilitate the management of documents in this docket, parties and Commission Staff shall submit an exhibit list with their respective prehearing statements. Exhibits will be numbered upon submission at the hearing. Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness's name, the word "Exhibit" followed by a blank line for the Exhibit Number and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

Docket No. 870675-TL
J. Doe Exhibit No. _____
Cost Studies for Minutes
of Use by Time of Day

Second Prehearing Conference

There will be a second prehearing conference at 3:00 PM on Friday, September 14, 1990, with a possible continuation at 8:00 AM on the morning of Saturday, September 15, 1990, to address any matters left outstanding from the first prehearing conference and any issues or problems raised by Public Counsel's second set of testimony to be filed September 10, 1990.

Key Dates

The following dates have been established to govern the key activities of this proceeding in order to maintain an orderly procedure.

1. July 23, 1990 - Each party and Staff shall submit its list of issues. At 9:30 AM, in Room 115, Fletcher Building, issue identification meeting will be held for parties and Staff.
2. August 13, 1990 - Public Counsel and any other intervenor shall file its testimony on this date.
3. August 15, 1990 - Prehearing statements shall be filed by all parties and Staff.
4. August 24, 1990 - Staff shall file its testimony, if any.

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5. August 27, 1990 - Prehearing Conference.

6. September 10, 1990 - Public Counsel and any other intervenors shall file testimony, if any, regarding the Company's latest view of 1991.

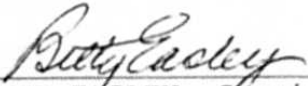
7. September 12, 1990 - Company and Staff shall file any rebuttal testimony.

8. September 19, 1990 - Company and Staff may file any rebuttal testimony regarding the Public Counsel's and any other intevenor's testimony filed September 10, 1990, regarding the Company's latest view of 1991.

9. September 21, 1990, at 3:00 PM, with possible continuation at 8:00 AM on September 22, 1990, in Room 122, Fletcher Building - Second Prehearing Conference.

10. October 1, 3-5, and 8-12, 1990 - Hearings to be held.

By ORDER of Betty Easley, Commissioner and Prehearing Officer, this 11th day of July, 1990.



BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

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